

**PHARMACY EXAMINING BOARD
REGULAR MEETING
MARCH 12, 2002**

MEMBERS PRESENT: Cynthia Benning, RPH; John Bohlman, RPH; Georgina Forbes;
Dan Luce, RPH; Sue Sutter, RPH

MEMBERS EXCUSED: Michael Bettiga, RPH; Charlotte Rasmussen

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Black, Legal
Counsel; Karen Rude-Evans; Grace Schwingel

GUESTS: Tom Engels and Susan Kleppin, PSW; David Musa, UW Hospital;
Elizabeth Nelson, Women's International Pharmacy; Jamie Statz-
Paynter, Dean Pharmacy; Paul Baum; Al Bennin, Walgreens; UW-
SOP students

CALL TO ORDER

Chair Sue Sutter called the meeting to order at 9:02 a.m.

APPROVAL OF AGENDA

Amendments: -Presentation and deliberation of proposed stipulation in the matter concerning
Evelyn M. Fuller, R.Ph. – case advisor, Michael Bettiga
-Manufacturer's Application – Mueller Sports Medicine, Inc.
-Additional information relating to "active practice"
-Additional information relating to Clearinghouse Rule 00-157
-Additional information relating to AB 821
-Review of 2001 AB 857
-Practice question relating to labeling
-Informational item from Creighton University
-Informational item – press release from Rep. Schneider relating to gifts from
drug manufacturers and distributors

MOTION: Dan Luce moved, seconded by Cynthia Benning, to approve the agenda as
amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 12, 2002

Corrections: -On page 2, under PUBLIC HEARING ON PROPOSED..., in the heading and in
the first sentence of the paragraph, after "proposed" delete "rules relating to".

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the Minutes of
February 12, 2002 as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

MUELLER SPORTS MEDICINE, INC

DOE attorney Jim Harris presented a proposed stipulation in the matter concerning Mueller Sports Medicine, Inc. This matter will be deliberated on in closed session.

EVELYN M FULLER, RPH

DOE attorney Jim Harris presented a proposed stipulation in the matter concerning Evelyn M. Fuller, R.Ph. This matter will be deliberated on in closed session.

PUBLIC HEARING ON PROPOSED RULES RELATING TO REQUIREMENTS FOR THE DISPENSING OF PRESCRIPTION ORDERS FOR SCHEDULE II CONTROLLED SUBSTANCES

Chair Sue Sutter called to order at 9:29 a.m. the public hearing on proposed rules relating to requirements for the dispensing of prescription orders for Schedule II controlled substances. Written testimony and comments must be received by the Department no later than March 26, 2002. No speakers registered and the hearing was adjourned at 9:32 a.m.

PUBLIC HEARING ON PROPOSED RULES RELATING TO THE DEFINITION OF “ACTIVE PRACTICE OF PHARMACY”

Chair Sue Sutter called to order at 9:32 a.m. the public hearing on proposed rules relating to the definition of “active practice of pharmacy.” Written testimony and comments must be received by the Department no later than March 26, 2002. Several speakers registered and expressed their concerns with the proposed rules. The hearing was adjourned at 9:59 a.m.

REPORT OF DEPARTMENT MEETING WITH SECRETARY HERRERA AND BOARD CHAIRS ON MARCH 6, 2002

Sue Sutter reported on the meeting held March 6, 2002 with Secretary Herrera and the Board Chairs regarding the reorganization of DRL. The Secretary reassured the Chairs that no authority has been taken away from the Boards, and said the reorganization should better serve the Boards. It was emphasized that the Bureau Directors are the contact people for the Board members, and any questions or concerns should go through the Bureau Director assigned to that Board.

FINAL ADOPTION OF RULES RELATING TO CONSULTATION PROGRAMS AND LICENSURE REQUIREMENTS

MOTION: Cynthia Benning moved, seconded by Dan Luce, to proceed, with the exception of Section 11, with Clearinghouse Rule 00-157 relating to consultation programs and licensure requirements. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to proceed with Section 11 of Clearinghouse Rule 00-157. Roll call vote: Cynthia Benning – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – no, Sue Sutter – no. Motion carried.

MOTION: John Bohlman moved, seconded by Dan Luce, to reconsider the previous motion relating to Section 11 of Clearinghouse Rule 00-157. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Dan Luce, to direct the Department to withdraw Section 11 from consideration with the JCRAR, and to bring this back to the Board for further discussion. Roll call vote: Cynthia Benning – no, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Sue Sutter – yes. Motion carried.

Chair Sue Sutter and John Bohlman would like clarification of the role of the DRL legislative liaison, as the Board was not informed of the progress of this rule.

RECESS TO CLOSED SESSION

MOTION: John Bohlman moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of a personal appearance, considering requests for stays of suspensions and modifications in board orders, deliberation of proposed stipulations, reviewing case status reports, discussion of examination issues and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 11:24 a.m.

RECONVENE IN OPEN SESSION

MOTION: Dan Luce moved, seconded by Cynthia Benning, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:30 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCE

DENNIS KORANDA, RPH

Dennis Koranda, R.Ph., appeared at the Board meeting. No Board action was necessary.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

CORY FORD, RPH

MOTION: John Bohlman moved, seconded by Georgina Forbes, to grant a three-month stay of suspension and a reduction in therapy to once a month to Cory Ford, R.Ph. Motion carried unanimously.

WILLIAM KARWOSKI, RPH

MOTION: John Bohlman moved, seconded by Georgina Forbes, to grant a three-month stay of suspension to William Karwoski, R.Ph., to keep him at two screens per month, reduce therapies to one per month. If he starts to practice pharmacy, he goes back to his original order and he may petition the Board for modification at that time. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: John Bohlman moved, seconded by Dan Luce, to grant a three-month stay of suspension and an increase in hours as pharmacist in charge to a total of 16 hours to Paul Nelson, R.Ph. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Dan Luce move, seconded by Georgina Forbes, to grant a one-month stay of suspension to Andrew Rice, R.Ph., and to request Mr. Rice to provide, before the next Board meeting, proof of compliance with weekly therapy sessions prepared in conjunction with his therapist. Motion carried unanimously.

THOMAS TRISCARI, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to grant a three-month stay of suspension and an increase in hours as pharmacist in charge to a total of 12 hours, with no open or close, to Thomas Triscari, R.Ph. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Georgina Forbes moved, seconded by Dan Luce, to grant a three-month stay of suspension to Ralph Koch, R.Ph. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Georgina Forbes moved, seconded by Dan Luce to grant the request of James Meyer, R.Ph. for a three-month stay of suspension. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Georgina Forbes moved, seconded by Dan Luce, to grant a one-month stay of suspension to Michael O'Kray, R.Ph., and to have the Department monitor request the missing report from the therapist.

PROPOSED STIPULATIONS

MUELLER SPORTS MEDICINE, INC

MOTION: Cynthia Benning moved, seconded by John Bohlman, to accept the Findings of Fact, Conclusions of Law and Order in the matter concerning Mueller Sports Medicine, Inc., and to impose a fine of \$1,000. Motion carried unanimously.

EVELYN FULLER, RPH

MOTION: Cynthia Benning moved, seconded by John Bohlman, to table the deliberation on the matter concerning Evelyn Fuller until next month's board meeting. The case was referred back to Jim Harris in DOE for further information. Motion carried unanimously.

CASE STATUS REPORT

There were no cases to close.

PRACTICE QUESTION

Legal counsel received a practice question regarding the issue of putting a brand name on a generic drug. There was a discussion as to whether the Board should give approval to a pharmacist to place an auxiliary sticker on the prescription container (but not on the label) for clarification purposes, to indicate common name brands for the generic prescriptions. It was felt this would be in the interest of the patient. Bill Black will write a letter regarding this issue.

REVIEW OF PROPOSED RULES RELATING TO A PHARMACY INTERNSHIP PROGRAM

The Board discussed the proposed rules relating to a pharmacy internship program with legal counsel. Legal counsel will draft the proposed changes as directed by the Board and will present them for review and further discussion at the next Board meeting.

REVIEW OF AB 821 RELATING TO PRESCRIPTION DRUG PRICES

The Board tabled this issue and will discuss it at a future meeting.

REVIEW OF AB 698 RELATING TO PRESCRIPTIONS FOR SINGLE-DOSE DRUGS FOR TREATMENT OF CHLAMYDIA, GONORRHEA, OR TRICHOMONAS

This item was informational.

REQUEST TO SPEAK AT UW SCHOOL OF PHARMACY

MOTION: John Bohlman moved, seconded by Cynthia Benning, to authorize Sue Sutter to at the UW School of Pharmacy on April 4, 2002. Motion carried unanimously.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Cynthia Benning moved, seconded by Georgina Forbes to approve the Distributor applications of **DDN/OBEGFEL, LLC, CA; Methapharm, Inc., FL; Mississippi Welders Company, Inc., Hudson; Quintrom Instrument Company, Milwaukee, and UW Regional Services Homecare Dept., Madison.** Motion carried unanimously.

FAX NUMBERS

MOTION: Dan Luce moved, seconded by Cynthia Benning, to request FAX numbers on re-registration applications in order to be able to contact all pharmacies quickly via a broadcast FAX in the event of an emergency. Motion carried unanimously.

Legal counsel will send a letter to the CDC requesting more information on disaster recovery programs.

NABP NEW THRESHOLDS FOR RETAIL AND MAIL ORDER SALES OF PSEUDOEPHEDRINE AND PHENYPROPANOLAMINE (PPA) DRUG PRODUCTS

There was a discussion on the limits on the amount of Sudafed tablets that can be sold to a customer. This information could be put in the Regulatory Digest.

NABP HIPAA PRIVACY REGULATION ANALYSIS

Legal counsel will look at what actions NABP HIPAA are suggesting for the Pharmacy Board.

APPOINTMENT OF DELEGATE TO NABP MEETING

MOTION: Dan Luce moved, seconded by Cynthia Benning, to appoint Sue Sutter as the Board's delegate and Dan Luce as the alternate for the NABP meeting to be held May 18-22, 2002 in Phoenix, Arizona. Motion carried unanimously.

NABP LIST OF ONLINE PHARMACIES SELLING ANTHRAX TREATMENTS

This item was informational.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning gave a brief report on the Controlled Substances Board meeting.

ADJOURNMENT

MOTION: Dan Luce moved, seconded by Cynthia Benning to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 4:15 p.m.

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